

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	X
STARR INDEMNITY & LIABILITY COMPANY,	:
	24 Civ. 7001 (PAE)
Plaintiff,	:
	<u>ORDER</u>
-v-	:
PHILADELPHIA INDEMNITY INSURANCE	:
COMPANY,	:
	:
Defendant.	:
	X

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PAUL A. ENGELMAYER, District Judge:

On September 16, 2024, defendant Philadelphia Indemnity Insurance Company (“Philadelphia Indemnity”) removed this case from New York State Supreme Court, New York County to this Court, asserting federal subject matter jurisdiction on the basis of diversity of citizenship. Dkt. 1. On September 19, 2024, the Court scheduled an initial pretrial conference for October 31, 2024. Dkt. 6.

On October 16, 2024, plaintiff Starr Indemnity & Liability Company (“Starr”) moved for remand of this case to state court pursuant to 28 U.S.C. § 1447(c). Dkt. 14 at 2. Starr argued that Philadelphia Indemnity had failed to provide “prompt” notice in violation of 28 U.S.C. § 1446(d), as it had not served the notice of removal on Starr and the state court until October 16, 2024. *Id.*; *see, e.g., Park v. McGowan*, No. 11 Civ. 3454, 2011 WL 4963759, at \*4 (E.D.N.Y. Oct. 19, 2011) (“Many courts have recognized that the failure to give prompt notice of the filing of a notice of removal, as required by § 1446(d), is grounds for remand.”).

On October 17, 2024, Philadelphia Indemnity moved to withdraw its notice of removal. Dkt. 15. Philadelphia Indemnity, in addition, notified the Court that it did not oppose Starr’s

motion for remand. *Id.* at 1–2. Philadelphia Indemnity admitted that it had not served the notice of removal on Starr and the state court until October 16, 2024. *Id.* at 1.

Accordingly, the Court grants Philadelphia Indemnity’s motion to withdraw its notice of removal, Dkt. 15. The Court denies as moot Starr’s motion for remand, Dkt. 14. This case is hereby remanded to New York State Supreme Court, New York County (index number 653853/2024), from which it was removed. The Clerk of Court is respectfully directed to return the file to the state court and close the case.

SO ORDERED.



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Paul A. Engelmayer  
United States District Judge

Dated: October 18, 2024  
New York, New York